



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 02204-00

17 July 2000

LCDR [REDACTED] MC USNR
[REDACTED]
[REDACTED]

Dear Command [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 2 May 2000, a copy of which is attached. The Board also considered your letter dated 8 June 2000.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. The Board noted that you may apply to the Army Review Boards Agency for correction of your Army Reserve National Guard record to show you received constructive credit before your transfer to the Naval Reserve. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

BUREAU OF MEDICINE AND SURGERY
2300 E STREET NW
WASHINGTON DC 20372-5300

2204-00
IN REPLY REFER TO

1120
Ser 522/00-5957
2 May 00

From: Chief, Bureau of Medicine and Surgery
To: Board for Correction of Naval Records

Subj: ADVISORY OPINIONS ICO LCDR [REDACTED]

Ref: (a) DoD Directive 1300.4 of 15 Nov 96

Encl: (1) BCNR Application ICO LCDR [REDACTED]

1. Enclosure (1) is returned recommending disapproval of Lieutenant Commander [REDACTED] request for constructive credit for MS and PhD degrees obtained before commission into the Army Reserve National Guard (ARNG).
2. Per reference (a), "No commissioned officer shall be transferred from one Uniformed service and appointed to another Uniformed Service with a precedence and relative rank higher than held on the day before such transfer occurs." According to documents supplied by Lieutenant Commander [REDACTED] in enclosure (1), Lieutenant Commander [REDACTED] appointment as a Commissioned Officer in the ARNG as a 0-3 was effective 5 May 1990. His Lieutenant date of rank at the time of his transfer to the Naval Reserve was 5 May 1990. This was correct.
3. However, if Lieutenant Commander [REDACTED] can provide evidence displaying a Lieutenant date of rank in the Army prior to the date in Enclosure (1), the request could be reconsidered.
4. Your point of contact is Commander [REDACTED], NC, USN, who may be reached at DSN [REDACTED].

E [REDACTED]
By direction